



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Required Report - public distribution

Date: 11/9/1999

GAIN Report #CI9044

Chile

**Food and Agricultural Import Regulations and
Standards**

Country Report

1999

Prepared by:

Richard J. Blabey

U.S. Embassy

Drafted by:

Richard J. Blabey

Report Highlights:

The Food and Agricultural Import Regulations and Standards (FAIRS) for Chile are discussed in this report intended to assist first time exporters, new-to-market exporters, and trade organizations providing assistance to promote and expand U.S. trade overseas.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
Santiago [CI9044], CI

Please Note:

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Santiago, Chile for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Table of Contents

Section	Topic	Page
I.	Food Laws	2
II.	Labeling Requirements	2
III.	Packaging and Container Regulations	3
IV.	Food Additive Regulations	3
V.	Pesticide and Other Contaminants	3
VI.	Section	4
VII.	Other Specific Standards	4
VIII	Copyright and/or Trademark Laws	5
IX.	Import Procedures	6

SECTION I. FOOD LAWS

Chile actively participates in the World Trade Organization and the CODEX Alimentarius Commission. Chile is concerned about unscientific technical trade barriers and is therefore interested in standardizing sanitary and phytosanitary trading regulations. .

The Ministry of Health is responsible for food sanitation, approval of food ingredients and labeling and packaging of processed foods. The Ministry is currently bringing Chile's food sanitation regulations into conformity with CODEX standards. The Ministry uses its power of decree to issue food regulations. The Ministry of Health does not always notify the WTO of changes in food regulations affecting imports.

The Servicio Agrícola y Ganadero (SAG) of the Ministry of Agriculture is responsible for enforcing Chile's import regulations concerning animal and plant quarantine, including the meat law governing the beef industry and imports. The Chief of the Department of International Affairs, Division of Livestock Protection, SAG is one of the Vice Presidents of the CODEX Commission. SAG regularly notifies the WTO of changes in its regulations affecting imports of plant and animal products.

Changes in Chile's regulations are announced in the Diario Oficial de la Republica de Chile, www.diariooficial.cl. For the most recent revision of Chile's food regulations, look under Agricultural Affairs/Food Regulations on the U.S. Embassy Santiago's home page www.usembassy.cl. Information is available in both English (unofficial) and Spanish.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

Labels must be in Spanish, but information may be repeated in another language. Labels must bear the following information (stickers may be used).

1. Name of the food product.
2. Net content in metric units.
3. Name and address of the manufacturer, packer, distributor, or food product importer.
4. Country of Origin. [A product processed in Chile that results in a change of its physical, chemical, biological or organic properties is considered a local product for labeling purposes. If it is only packed in Chile, this must be indicated along with the country of origin.]
5. Number and date of permit authorizing import.
6. Date of manufacture or packing date. [A production lot code may be used.]
7. Minimum duration, or expiration, date.
8. List of all ingredients in decreasing concentration, including quantity or percent.
9. List of all additives in decreasing concentration.
10. Instructions for storage, including refrigeration, if special conditions are required for the product to satisfy its minimum duration period or last to its expiration date.
11. Instructions for use.

B. Requirements Specific to Nutritional Labeling

Nutritional claims must be scientifically acknowledged or recognized internationally and approved by the Ministry of Health. The label must bear the following information.

1. Energy in calories.
2. Protein, carbohydrate and fat in grams.
3. Servings per package.
4. With respect to carbohydrates, the total amount of sugar must be indicated.
5. With respect to fatty acids, the amount of saturated and polyunsaturated fatty acids must be indicated.

Information may be expressed in percentages of recommended daily allowances. If the label contains a description of dietary fiber, it must indicate the quantity and percentage of soluble and non-soluble fiber. The label must not indicate or suggest therapeutic or curative effects for the product.

When emphasizing the quality of food products, the following terms have specific definitions in Chile's food regulations: *Free, Low, Good Source, High, Reduced, Light, Fortified, Enriched*. The terms *free of, low* and *reduced in cholesterol* cannot be applied to those food products containing more than 2 g. of saturated fats.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

All plastic packaging materials must not transfer more than 0.05 ppm of vinyl chloride or acrylonitrile or any other substance utilized in the manufacture of plastic elements that may be harmful to health.

SECTION IV. FOOD ADDITIVE REGULATIONS

All additives must comply with the identification, purity and toxicity evaluation rules in accordance with the Codex Alimentarius. It is mandatory that additives be indicated on the label with their specific name, according to the International Numbering System (S.I.N.) and in decreasing concentration order. An exception to this rule are flavoring elements which can be listed in a generic manner without any ingredient detail.

Only additives on the positive list found in Title 3, Paragraph II of Chile's food regulations (DL 977) may be used. The Ministry of Health may add to this list by further decree, if there is a need.

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Chile follows the Codex guidelines for pesticide residues on food. The Ministry of Health is responsible for preventing the contamination of foodstuffs. The Ministry of Health food regulations also set limits on heavy metals in specified food products, and mycotoxin and microbiological contamination.

The use of pesticides in Chile is regulated by the Division of Plant Protection of the Ministry of Agriculture. The contact for information on approved pesticides is:

Sr. Carlos Leon
Division of Plant Protection
Agricultural and Livestock Protection Service (SAG)
Ministry of Agriculture
Avd. Bulnes 140, 3rd Floor
Santiago, Chile

Phone: 698-8205.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS (Product Registration, Testing, Certification, Special Documentation or Conformity Assessment Requirements)

See Section IX below:

SECTION VII. OTHER SPECIFIC STANDARDS.

1. Consumer Packaging or Municipal Waste Disposal: Containers and wrappers used in the distribution of food products must be made or lined with resistant materials that will not transfer toxic or contaminating substances that may modify the organoleptic or nutritional nature of the products.

2. Weights and Measures: The label net content must be expressed in units of the metric system. For those food products packed in a liquid medium, the drained content of the product must also be indicated in metric units.

3. Vitamin Enrichment Requirements: The Ministry of Health has established maximum limits for vitamins and minerals added to foods. These limits do not apply to foods designed for special regimes, such as dietetic food products which are treated in Title 28 of the Food Regulations, or foods fortified to address a specific public health need. Decree 1.844, of November 10, 1988 is the applicable regulation in addition to Article 114 of the Food Regulation approved by Decree 977 pf 1996.

4. Novel Foods: On October 27, The Ministry of Health initiated the process of developing rules for labeling these products with the objective of having new regulations in place within two months. After that, there will be a period of 90 days in order for companies to comply with the rule, a period that can be flexible, if the companies require a greater period in order to make their adjustments. The Ministry noted that there was no evidence that transgenics have caused serious infirmities that would require it to take action. In the meantime, the Ministry is awaiting the submission of the report being prepared by a committee that was created in May 1999 to develop a position on the marketing and consumption of these products in Chile.

5. Dietetic or Special Use Foods: See Title 28 of Decree 977.

6. Food Sanitation Laws/Guidelines:

Decree No. 725, 1967.

Decree No. 2763, 1979.

Decree No. 977, August 6, 1996.

Decree No. 1844, November 10, 1998.

7. Marine Products: See Titles 12 (fish) and 13 (shellfish) of Decree 977.

8. Animal Quarantine: The Ministry of Agriculture, Department of Livestock Protection, enforces strict salmonella testing on imports of fresh and frozen poultry as a quarantine measure. If any samples of a shipment are found positive for salmonella, the shipment is prohibited from entering the country. However, cooked poultry meat may enter Chile under the conditions specified in Regulation No. 1597 of June 4, 1997, issued by the Division of Livestock Protection, SAG.

9. Wine, Beer and Other Alcoholic Beverages: No information is available at this time.

10. Organic Foods and Health Foods: No information is available at this time regarding organic foods. The domestic market for these products is undeveloped. Title 28, Paragraph 8 of Decree 977 treats low fat and low calorie food products.

11. Product Samples: A sample is considered of no commercial value when its weight does not exceed 20 kilograms of solid product. In the case of additives, or granulated products, the limit is 250 grams. In the case of higher quantities for personal use or for laboratory samples, these must be certified by notary public letter. This letter is also necessary for Customs clearance.

12. Irradiated Foods: Chile permits the irradiation of food products. See Title 6 of Decree 977 for further information.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Chile belongs to the World Intellectual Property Organization, and patents, trademarks, industrial designs, models and copyrights are protected in Chile by the provisions of the International Convention for the Protection of Industrial Property (the Paris Convention). Chile's intellectual property regime is generally compatible with international norms, with a few exceptions. Chilean law provides for the protection of registered trademarks and places priority on trademark rights according to filing date. The registration of trademarks is valid for renewable periods of 10 years.

A common problem faced by foreign companies that wish to begin operations in Chile is that other individuals or companies may already have registered their trademarks. Chilean courts have been supportive in cases where the trademark has been "stockpiled" but gone unused, but less so in cases where investments were made in use of the trademark. In either case, legal proceedings can be lengthy and expensive. The foreign firm should make a business decision whether to take legal action or negotiate with the party who registered the trademark.

A trademark should be registered as soon as the exporter/investor has any intention of doing business in Chile. Ownership of the trademark is not prejudiced by lack of use in cases where the registered party makes use of the mark in other countries, and trademarks may be perpetually registered in periods of ten years at a time. Firms wishing to

register their trademarks should do so at the Ministry of Economy, Departamento de Propiedad Industrial, Teatinos 120, Piso 1, Tel: (56-2) 672-5522.

Legislation to bring Chilean intellectual property protection into compliance with the WTO agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) was to be submitted by the GOC to the Congress in mid-1999, but as of October 1999 the legislation had not been sent to Congress.

SECTION IX. IMPORT PROCEDURES

A. Customs Clearance

A local agent or importer is absolutely necessary to clear food products for sale and distribution in Chile. Approval of sale is granted by health authorities on a shipment-by-shipment basis. There are no blanket product approvals.

As a precaution, importers introducing new products to Chile sometimes submit samples of these products to the Chilean Institute of Public Health, Ave. Marathon No, 1000, Santiago for analysis to confirm that they comply with existing regulations.

The procedure for obtaining permission to import food products begins in the Health Service Office at the port of entry. For example, if the port of entry is “Comodoro Arturo Merino Benitez” airport (Santiago’s International Airport), clearance is handled by SESMA (Metropolitan Environmental Health Service, web site: www.sesma.cl).

The first step is to request “customs destination approval”, which authorizes the retrieval of the products from Customs and their transfer to bonded storage, where they must be stored intact and separate from other goods pending sampling and inspection by health authorities. Obtaining “customs destination approval” usually takes 72 hours (3 working days). Forms should be obtained from the Customer Service Office (Oficina Atención al Usuario) of SESMA, located in Av. Bulnes 194, Santiago, from Monday through Friday, between 8:30 to 15:00. Fees are assessed by weight in kilograms.

Required Documents:

1. Original and five (5) copies of the Customs Destination Form #2003 (“Solicitud Certificado Destinación Aduanera”).
2. Photocopy of the resolution certifying to the sanitary condition of the warehouse to which the products will be moved upon leaving customs.
3. Air waybill, ocean bill of lading, or product invoice.

B. Clearance for Sale within Chile

The sampling and testing of products is conducted by the Health Service Office of the region where the products are being stored. Depending on the potential health risk and the necessary tests involved, this process may take up to 4 weeks.

Required Documents:

1. Original and one copy of the Import Approval Form, #2004, (“Solicitud Autorización Sanitaria para Internación de Productos”).
2. For fresh and raw seafood: A cholera-free certificate, if cholera is detected in the country of origin.
3. For meats: A hormone-free certificate.

C. Recommended Documents for Facilitating Clearance

1. A certificate of analysis of microbiological quality, and/or physical chemical analysis.
2. A Health Certificate and/or Certificate of Free Sale issued by a recognized public health department in the country of origin confirming that the product is fit for human consumption, is sold freely throughout the country, and if processed, describing the product.
3. A technical sheet.
4. Labels or empty containers or packages.
5. For irradiated foods:
 - a) A certificate indicating the dosage level and a description of the packaging.
 - b) A certificate issued by the competent government agency authorizing the plant to irradiate food products.
 - c) A certificate recognizing that the plant is included in the international inventory of irradiation plants.

Certificates issued in the country of origin should be completed in or translated into Spanish. Fees for sampling and conducting tests are calculated according to product weight in kilograms.